

August 4, 2012

## Protests swirl as new fire tax hits 15,000 homes in Marin

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Marin Independent Journal

A controversial \$115 fire fee imposed by the state targets more than 15,000 homes in Marin County's unincorporated areas — even though property owners already pay for fire protection services there.

The unusual fire charge for rural areas, pushed through by Gov. Jerry Brown, was styled as a fee and not a tax to avoid a ballot measure requiring a two-thirds vote of approval.

The fire fee has sparked protests in Marin and other California communities, including fire agencies as well as several members of the tax board charged with collecting the money.

A public outcry is expected when 845,428 California property owners begin receiving notices of the fee this week in a staggered mailing program that probably will reach Marin in September. The state Department of Forestry and Fire Protection identified buildings subject to the fee based on their location. It does not apply to cities, and in Marin, it covers only unincorporated areas.

Assemblyman Jared Huffman, D-San Rafael, called it a "highly flawed fee" that legislators were forced to accept as part of a budget deal. Huffman said he later voted to repeal the fee and is working on an alternative. The charge discriminates against rural areas, punishes communities that tax themselves to provide fire protection and "most fundamentally is probably not going to survive a legal challenge," the assemblyman said.

"Cal Fire is an important resource both locally and to the state, but the burden shouldn't be placed on Marin residents to subsidize the political gridlock in Sacramento," said Marin County Fire Chief Jason Weber. Cal Fire, or the California Department of Forestry and Fire Protection, is responsible for protecting 31 million acres across the state.

Weber said the fee will tap owners of 15,285 structures on 18,000 parcels in Marin for \$1.75 million while providing little benefit to the county. Communities affected are

deemed "state responsibility areas" requiring special fire protection — even though many already are covered by local fire districts.

Weber noted that residents unhappy with the fee may be inclined to vote against future efforts by the county to increase fire taxes in unincorporated areas. Voters narrowly turned down a 2010 measure calling for a 50 percent increase in the \$76 fire tax in County Service Area 31, a 445-square-mile area including San Geronimo Valley, Olema, Point Reyes Station, Inverness, Marshall, Tomales, Nicasio, Hicks Valley, Chileno Valley, Throckmorton and Marin City as well as county areas near Fairfax and San Anselmo. The increase was aimed at generating \$260,000 in new revenue.

"This state tax taps taxpayers at the same time the county needs" money itself, Weber noted. "We want to make sure our communities are protected here in Marin, and \$1.75 million is a lot of money we could use locally for wildland fire prevention."

He predicted the levy "will be challenged immediately in court when the first bill goes out" because the program circumvents Proposition 13's two-thirds vote, ballot issue rule. The Howard Jarvis Taxpayers Association called the fee an "illegal tax" and is expected to sue.

Tiburon Fire Protection District Chief Richard Pearce said his district and others across the state oppose the tax. "In Marin in particular, it takes \$1.75 million from the county and there is no direct benefit," he said. "We're already covering the area," whether it be Paradise Drive, Paradise Cay or other county territory in the Tiburon region, he said.

The state levy hurts local agencies by skewing relationships with the public, making local taxpayers less likely to embrace fee and tax revenue increases needed to pay for fire, paramedic and related services in Marin, Pearce agreed.

Supervisor Susan Adam called the fire tax program "another money grab by the state" because "the money generated by this tax will not be coming to local agencies nor used for prevention of wildland fires at the local level."

Adams added that as Brown tries to close state parks, claiming there is no money to pay for them as a scandal involving \$54 million in hidden state park money unfolds, it's "the worst time for the state to take more resources" from counties. "This tax should have been put through the rigors of a two-thirds vote" as required by Proposition 13, she added.

Marin County Assessor Richard Benson, noting the state will issue bills based on assessment roll information, said taxpayers who receive an inappropriate bill may contact Cal Fire at 888-310-6447 or the assessor's office at 473-7215.

Marin officials aren't alone in taking aim at the levy. It is opposed by the California State Association of Counties, California Professional Firefighters, the California Fire Chiefs

Association and others who contend the fee represents double taxation for those who already pay local governments for fire protection.

Even Michelle Steel, vice chairwoman of the state Board of Equalization, which will begin sending out the tax notices this week and mail the first bills Aug. 13, calls it an "unconstitutional fire tax."

The so-called "State Responsibility Area Fire Prevention Benefit Fee" was created by Assembly Bill 29 and signed into law last year. It requires homeowners in designated areas to pay an annual fee of \$150 for each "habitable structure" on a parcel for "fire-prevention services." A \$35 reduction applies to properties that are protected by an organized fire agency, as all in Marin unincorporated areas are.